

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DORCAS GITHINJI and JASON
SHRIVER,

Plaintiffs,

V.

NICHOLAS SMITH, THOMAS
MILAVEC, TIFFANY COATES,
COREY JOHNSON,

Defendants.

CASE NO. C22-5138 MJP

ORDER ON MOTIONS IN LIMINE

This matter comes before the Court on the Parties' Motions in Limine. (Dkt. Nos. 103, 109, 110). Having reviewed the Motions, the Responses (Dkt. Nos. 109, 110), and all supporting materials, and having heard arguments and ruled orally on the Motions during the Pretrial Conference of April 30, 2024, the Court issues this Order to confirm its oral ruling that Plaintiff's Motion in Limine is GRANTED in part and DENIES in part both Motions.

A. Plaintiffs' Motions in Limine

The Court ORDERS as follows:

- 1 1. Plaintiffs' Motion in Limine 1 is agreed and GRANTED.
- 2 2. Plaintiffs' Motion in Limine 2 is GRANTED.
- 3 3. Plaintiffs' Motion in Limine 3 is agreed GRANTED.
- 4 4. Plaintiffs' Motion in Limine 4 is GRANTED in part; the Parties are to exchange
5 presentations to be used in opening statements and raise any objections as to the
6 use of exhibits before opening statements commence.
- 7 5. Plaintiffs' Motion in Limine 5 is DENIED.
- 8 6. Plaintiffs' Motion in Limine 6 is agreed and GRANTED.
- 9 7. Plaintiffs' Motion in Limine 7 is agreed and GRANTED.
- 10 8. Plaintiffs' Motion in Limine 8 is agreed and GRANTED.
- 11 9. Plaintiffs' Motion in Limine 9 is agreed and GRANTED.
- 12 10. Plaintiffs' Motion in Limine 10 is agreed and GRANTED.
- 13 11. Plaintiffs' Motion in Limine 11 is DENIED; as instructed during the Pretrial
14 Conference, the Parties are to edit all four videos into a single, non-overlapping
15 video of the incident and include a time signature on the video.
- 16 12. Plaintiffs' Motion in Limine 12 is DENIED.
- 17 13. Plaintiffs' Motion in Limine 13 is DENIED.

18 **B. Defendants' Motions in Limine**

19 The Court ORDERS as follows:

- 20 1. Defendants' Motion in Limine A is agreed and GRANTED.
- 21 2. Defendants' Motion in Limine B is agreed and GRANTED.
- 22 3. Defendants' Motion in Limine C is agreed and GRANTED.
- 23 4. Defendants' Motion in Limine D is agreed and GRANTED.

- 1 5. Defendants' Motion in Limine E is DENIED.
- 2 6. Defendants' Motion in Limine F is DENIED.
- 3 7. Defendants' Motion in Limine G is DENIED.
- 4 8. Defendants' Motion in Limine H is DENIED.
- 5 9. Defendants' Motion in Limine I is DENIED.
- 6 10. Defendants' Motion in Limine J is DENIED.
- 7 11. Defendants' Motion in Limine K is DENIED.
- 8 12. Defendants' Motion in Limine L is DENIED.
- 9 13. Defendants' Motion in Limine M is agreed and GRANTED.
- 10 14. Defendants' Motion in Limine N is GRANTED in part; the Parties are not to
11 explore the reasons why no other videos are available, but they will be permitted
12 to tell the jury there are no other videos of the incident available.
- 13 15. Defendants' Motion in Limine M is agreed and GRANTED.
- 14 16. Defendants' Motion in Limine O is DENIED; the Court will consider the
15 possibility of instructing the jury on punitive damages, but only after the Parties
16 have rested.
- 17 17. Defendants' Motion in Limine P is GRANTED; should the Parties wish to object
18 on the basis of a ruling on a Motion in Limine, they are to state "Previous Ruling"
19 as the basis.
- 20 18. Defendants' Motion in Limine Q is DENIED.
- 21 19. Defendants' Motion in Limine R is agreed and GRANTED.
- 22 20. Defendants' Motion in Limine S is agreed and GRANTED.
- 23 21. Defendants' Motion in Limine T is DENIED.

22. Defendants' Motion in Limine U is agreed and GRANTED.
23. Defendants' Motion in Limine V is DENIED.
24. Defendants' Motion in Limine W is GRANTED in part, on the same terms set out in the Order on Plaintiffs' Motion in Limine No. 11.
25. Defendants' Motion in Limine X is DENIED.

The clerk is ordered to provide copies of this order to all counsel.

Dated May 2, 2024.

Wassily Belyan

Marsha J. Pechman
United States Senior District Judge